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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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11 CORTELL FRANKLIN,
12 Plaintiff,

13 v.

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15 LOS ANGELES COUNTY SHERIFF'S
16 DEPARTMENT,
17 Defendant.

NO. CV 23-8745-MWC (AGR)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF
MAGISTRATE JUDGE

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19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended
20 Complaint, records on file, the Report and Recommendation of United States
21 Magistrate Judge ("Report"), the Objections and Supplemental Objections filed by
22 Plaintiff (Dkt. Nos. 32, 34), and Defendant's Reply to Plaintiff's Objections (Dkt.
23 No. 36). In addition, the Court has reviewed Plaintiff's "motion to file for leave to
24 amend" and Defendant's opposition. (Dkt. Nos. 33, 35.) The Court has engaged
25 in a *de novo* review of those portions of the Report and Recommendation to
26 which objections have been made. The Court accepts the findings and
27 recommendation of the Report.

28 Accordingly, IT IS ORDERED that:

- (1) Defendants' motion to dismiss Plaintiff's First Amended Complaint is GRANTED WITH LEAVE TO AMEND;
- (2) Plaintiff's motion for leave to amend is GRANTED WITHOUT PREJUDICE to Defendant's ability to raise its arguments in response to the Second Amended Complaint;
- (3) The Clerk is DIRECTED to file the Plaintiff's Second Amended Complaint, Dkt. No. 33-1 with the date of this Order; and
- (4) Defendant may respond to the Second Amended Complaint within 30 days after entry of this Order.

The matter is referred back to the Magistrate Judge.

DATED: February 12, 2025



MICHELLE WILLIAMS COURT
United States District Judge